

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

ROBERT F. LESLIE)	
)	
v.)	No. 1:09-0051
)	Judge Campbell/Bryant
BARRY WHITT, et al.)	

REPORT AND RECOMMENDATION

The pro se plaintiff, Robert F. Leslie, filed this lawsuit on August 14, 2009. (Docket Entry No. 1) Upon reviewing the record, on November 12, 2009, the undersigned observed that plaintiff had not obtained service of process on defendants, and ordered that blank summonses be mailed to plaintiff. (Docket Entry No. 18) Thereafter, upon plaintiff's motion, the undersigned extended the time in which plaintiff was to have effected service of process, until January 22, 2010. (Docket Entry No. 24) As the record did not subsequently reflect that process was ever served, on August 4, 2010, the undersigned ordered plaintiff to show cause by August 17, 2010, why his complaint should not be dismissed for failure to serve the defendants with process or otherwise prosecute this lawsuit. (Docket Entry No. 34) Plaintiff signed for his receipt of the certified mailing of this order at his residence on August 5, 2010. (Docket Entry No. 36) As of this date, plaintiff has not responded to the undersigned's order to show cause, nor has he otherwise demonstrated any attempt to obtain service upon defendants as required by Rule 4 of the Federal Rules of Civil Procedure and the orders of this Court.

Plaintiff has been repeatedly warned that his failure to obtain service of process in a timely fashion would subject his complaint to dismissal. See Docket Entry Nos.

18, 24, 34. It appearing that plaintiff has not fulfilled his obligation to serve process, nor indicated any desire to further prosecute his case, the undersigned hereby RECOMMENDS that this case be DISMISSED without prejudice.

Plaintiff has fourteen (14) days from receipt of this Report and Recommendation in which to file any written objections to it with the District Court. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985); Cowherd v. Million, 380 F.3d 909, 912 (6th Cir. 2004)(en banc).

ENTERED this 19th day of August, 2010.

s/ John S. Bryant
JOHN S. BRYANT
UNITED STATES MAGISTRATE JUDGE